

09/27/01

1c904 U.S. PTO

09-28-01

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PTO/SB/05 (03-01)
 Approved for use through 10/31/2002. OMB 0651-0032
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new non-provisional applications under 37 CFR 1.53(b))

Attorney Docket No.	0229.99
First Inventor	Linda S. Thomashow et al.
Title	Sequences Encoding PhzO and Methods
Express Mail No. / Date	EK469907056US September 27, 2001

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility Patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
 Box PATENT APPLICATION
 Washington, D.C. 20231

☒ Fe Transmittal Form (e.g., PTO/SB/17)
 (Submit an original and a duplicate for fee processing)

☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

☒ Specification Total Pages: 83

- (Preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Application
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claims
 - Abstract of the Disclosure

Nucleotide and/or Amino Acid Sequence Submission
 (if applicable, all necessary)

☒ Computer Readable Form (CRF)
 Specification Sequence Listing on:

- ☐ CD-ROM or CD-r (2 copies) or
☒ Paper
☒ Statements verifying identity of above copies

☒ Drawing(s) (35 U.S.C. 113) Total Sheets 5

☒ Oath or Declaration Total Pages 1

- ☒ Newly UNexecuted (original or copy)
☐ Copy from a prior application (37 CFR 1.63(d))
 (For continuation/divisional with Box 17 completed)

☐ Deletion of Inventor(s)
 Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63 (d) (2) and 1.33(b).

☒ Application Data Sheet. See 37 CFR 1.76

ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & documents)
☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
☐ English Translation Document (if applicable)
☐ Information Disclosure Statement ☐ Copies of IDS (IDS) / PTO-1449 Citations
☐ Preliminary Amendment
☒ Return Receipt Postcard (MPEP 503)
 (Should be specifically itemized)
☐ Certified Copy of Priority Document(s)
 (If foreign priority is claimed)
☒ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(I).
 Applicant must attach from PTO/SB/35 or its equivalent
☒ Other: Copy of NRRL Deposit Receipts and NRRL Viability Statements

If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-In-Part (CIP) of prior application no.

Prior application information: Examiner: Group/Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts

Correspondence Address

Customer Number:



25278

Name	Margaret A. Connor PATENT TRADEMARK OFFICE	Registration No. (Attorney/ Agent)	30,043
Signature	Margaret A. Connor	Date	September 27, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE TRANSMITTAL FY2001

(Patent fees are subject to annual revision)

Certificate of Mailing by Express Mail
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington D.C. 20231

Express Mail No.	EK469907056US
Date of Mailing	September 27, 2001
Complete if Known	
Application Number	
Filing Date	
First Named Inventor	Linda S. Thomashow et al.
Examiner Name	
Group Art Unit	

TOTAL AMOUNT OF PAYMENT (\$ 710.00)

Attorney Docket No. 0229.99

METHOD OF PAYMENT

The Commissioner is hereby authorized to charge any fees set forth in CFR §§ 1.116 to 1.118 to the Deposit Account listed below for the entire pendency of the application, or credit any overpayment to this account. A duplicate copy of this sheet is enclosed:

Deposit Account Number: 23-1058
Deposit Account Name: USDA-ARS-OTT
Patent Advisor

FEE CALCULATION

BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710.00	Utility Filing Fee	710.00
106	320.00	Design Filing Fee	
107	490.00	Plant Filing Fee	
108	710.00	Reissue Filing Fee	
114	150.00	Provisional Filing Fee	
Subtotal (1)			\$ 710.00

2. Extra Claim Fees

Total Claims	Extra Claims	Fee From Below	Fee Paid
10	-20** =	X	=
Independent Claims	3	-3** =	X
Multiple Dependent			=

** or number previously paid, if greater; For Reissues, see below

Large Fee Code	Entity Fee (\$)	Fee Description
103	18.00	Claims in excess of 20
102	80.00	Independent claims in excess of 3
104	270.00	Multiple dependent claims, if not paid
109	80.00	**Reissue independent claims over original patent
110	18.00	**Reissue claims in excess of 20 and over original patent
Subtotal (2) \$0.00		

FEE CALCULATION (continued)

3. Additional Fees

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130.00	Surcharge - late filing fee or oath	
127	50.00	Surcharge - late provisional filing fee or cover sheet	
139	130.00	Non-English specification	
147	2,520.00	For filing a request for examination	
112	920.00*	Requesting publication of SIR prior to Examiner action	
113	1,840.00*	Requesting publication of SIR after Examiner action	
115	110.00	Ext. for reply within first month	
116	390.00	Ext. for reply within second month	
117	890.00	Ext. for reply within third month	
118	1,390.00	Ext. for reply within fourth month	
128	1,890.00	Ext. for reply within fifth month	
119	310.00	Notice of Appeal	
120	310.00	Filing a brief in support of an appeal	
121	270.00	Request an oral hearing	
138	1,510.00	Petition to institute a public use proceeding	
140	110.00	Petition to revive - unavoidable	
141	1,240.00	Petition to revive - unintentional	
142	1,240.00	Utility issue fee (or reissue)	
143	440.00	Design issue fee	
144	600.00	Plant issue Fee	
122	130.00	Petitions to the Commissioner	
123	50.00	Petitions related to provisional applications	
126	240.00	Submission of Information Disclosure Statement	
581	40.00	Recording each patent assignment per property (times number of properties)	
146	690.00	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	690.00	For each additional invention to be examined (37 CFR § 1.129(b))	
Other Fee (specify)			
* Reduced by Basic Filing Paid			
Subtotal (3)			\$ 0.00

SUBMITTED BY

Name (Print/Type)	Margaret A. Connor	Registration No.	30,043	Telephone	510-527-1418 or 510-559-6067
Signature	<i>Margaret A. Connor</i>			Date	September 27, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)	First Named Inventor		Linda S. Thomashow t al.
	Title	Sequenc s Encoding PhzO and Methods	
	Atty Docket No.		0229.99
	Express Mail No. / Date		EK469907056US September 27, 2001

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

September 27, 2001

Date

Margaret A. Connor

Signature

Margaret A. Connor

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

TO
USDA, ARS
Lab 36 Johnson Hall
Washington State University
Pullman, WA 99164-6430

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

NAME AND ADDRESS
OF DEPOSITOR

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: <i>Escherichia coli</i> JM109p2.9xP-12	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: NRRL B-30341
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I. above was accompanied by: <input type="checkbox"/> a scientific description <input checked="" type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on October 6, 2000 (date of the original deposit) ¹	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I. above was received by this International Depositary Authority on _____ (date of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on _____ (date of receipt of request for conversion).	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Date: 10-24-00

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international
depositary authority was acquired.

11036 U.S. PTO
09/965175
09/27/01

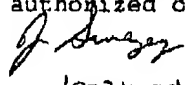
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NAME AND ADDRESS
OF DEPOSITOR

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: <i>Escherichia coli</i> JM109p2.9xP-16	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: NRRL B-30342
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I. above was accompanied by:	
<input type="checkbox"/> a scientific description	
<input checked="" type="checkbox"/> a proposed taxonomic designation	
(Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
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¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.

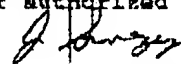
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**NAME AND ADDRESS
OF DEPOSITOR**

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: <i>Pseudomonas fluorescens</i> 2-79p2.9xP- 12(1)	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: NRRL B-30343
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I. above was accompanied by:	
<input type="checkbox"/> a scientific description <input checked="" type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
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V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Date: 10-24-00

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.

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OF DEPOSITOR

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: <i>Pseudomonas fluorescens</i> 2-79p2.9xP- 12(2)	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: NRRL B-30344
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I. above was accompanied by: <input type="checkbox"/> a scientific description <input checked="" type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
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V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): <i>P. Smeyers</i> Date: 10-24-00

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international
depositary authority was acquired.

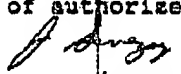
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NAME AND ADDRESS
OF DEPOSITOR

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: <i>Escherichia coli</i> JM109(pGEM-PH20)	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: NRRL B-30345
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I. above was accompanied by: <input type="checkbox"/> a scientific description <input checked="" type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
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IV. RECEIPT OF REQUEST FOR CONVERSION	
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V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Date: 10-24-00

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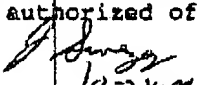
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Pullman, WA 99164-6430

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NAME AND ADDRESS
OF DEPOSITOR

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: <i>Escherichia coli</i> JM109(pGEM-PH20(2))	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: NRRL B-30346
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I. above was accompanied by: <input type="checkbox"/> a scientific description <input checked="" type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
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**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT
OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES**

INTERNATIONAL FORM

TO

USDA, ARS
Lab 36 Johnson Hall
Washington State University
Pullman, WA 99164-6430

VIABILITY STATEMENT

issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

NAME AND ADDRESS OF THE PARTY TO WHOM
THE VIABILITY STATEMENT IS ISSUED

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
<p>Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 99164-6430</p>	<p>Depositor's taxonomic designation and accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: <i>Escherichia coli</i> ATCC 8-30341</p> <p>Date of: October 6, 2000</p> <p><input checked="" type="checkbox"/> ² Original Deposit <input type="checkbox"/> ² New Deposit <input type="checkbox"/> ² Repropagation of Original Deposit</p>
III. (a) VIABILITY STATEMENT	
<p>Deposit was found: <input checked="" type="checkbox"/> Viable <input type="checkbox"/> Nonviable on October 7, 2000 (Date)</p> <p>International Depositary Authority's preparation was found viable on October 23, 2000 (Date)³</p>	
III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION	
<p>Depositor determined the International Depositary Authority's preparation was</p> <p><input checked="" type="checkbox"/> ² Equivalent <input type="checkbox"/> ² Not equivalent to deposit on <u>November 16, 2000</u> (Date)</p> <p>Signature of Depositor <u>Linda S. Johnson</u></p>	
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST WAS PERFORMED (Depositor/Depositary)	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
<p>Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority</p> <p>Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.</p>	<p>Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):</p> <p><u>[Signature]</u></p> <p>Date: <u>10-24-00</u></p>

¹ Indicate the date of the original deposit or when a new deposit has been made.

² Mark with a cross the applicable box.

³ In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

⁴ Fill in if the information has been requested.

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT
OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES**

INTERNATIONAL FORM

TO

USDA, ARS
Lab 36 Johnson Hall
Washington State University
Pullman, WA 99164-6430

VIABILITY STATEMENT

Issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

NAME AND ADDRESS OF THE PARTY TO WHOM
THE VIABILITY STATEMENT IS ISSUED

I. DEPOSITOR Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 99164-6430	II. IDENTIFICATION OF THE MICROORGANISM Depositor's taxonomic designation and accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: <i>Escherichia coli</i> NRRL B-30342 Date of: October 6, 2000 <input checked="" type="checkbox"/> ² Original Deposit <input type="checkbox"/> ² New Deposit <input type="checkbox"/> ² Repropagation of Original Deposit		
III. (a) VIABILITY STATEMENT Deposit was found: <input checked="" type="checkbox"/> Viable <input type="checkbox"/> Nonviable on October 7, 2000 (Date) International Depositary Authority's preparation was found viable on October 23, 2000 (Date) ³			
III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION Depositor determined the International Depositary Authority's preparation was <input checked="" type="checkbox"/> ² Equivalent <input type="checkbox"/> ² Not equivalent to deposit on <u>November 16, 2000</u> (Date) Signature of Depositor <u><i>James J. Thomason</i></u>			
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST WAS PERFORMED (Depositor/Depositary) 			
V. INTERNATIONAL DEPOSITARY AUTHORITY <table border="1"> <tr> <td data-bbox="181 1386 787 1610"> Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A. </td> <td data-bbox="787 1386 1432 1610"> Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): <i>J. Burgoyne</i> Date: <u>10-24-00</u> </td> </tr> </table>		Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): <i>J. Burgoyne</i> Date: <u>10-24-00</u>
Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): <i>J. Burgoyne</i> Date: <u>10-24-00</u>		

¹ Indicate the date of the original deposit or when a new deposit has been made.

² Mark with a cross the applicable box.

³ In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

⁴ Fill in if the information has been requested.

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NAME AND ADDRESS OF THE PARTY TO WHOM
THE VIABILITY STATEMENT IS ISSUED

I. DEPOSITOR Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 99164-6430	II. IDENTIFICATION OF THE MICROORGANISM Depositor's taxonomic designation and accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: <i>Pseudomonas fluorescens</i> NRRL B-30343 Date of: October 6, 2000 <input checked="" type="checkbox"/> ² Original Deposit <input type="checkbox"/> ² New Deposit <input type="checkbox"/> ² Repropagation of Original Deposit		
III. (a) VIABILITY STATEMENT Deposit was found: <input checked="" type="checkbox"/> Viable <input type="checkbox"/> Nonviable on October 7, 2000 (Date) International Depositary Authority's preparation was found viable on October 23, 2000 (Date) ³			
III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION Depositor determined the International Depositary Authority's preparation was <input checked="" type="checkbox"/> ² Equivalent <input type="checkbox"/> ² Not equivalent to deposit on <u>November 16, 2000</u> (Date) Signature of Depositor <u>Gunda S. Thomas</u>			
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST WAS PERFORMED (Depositors/Depositary)⁴ 			
V. INTERNATIONAL DEPOSITARY AUTHORITY <table border="1"> <tr> <td data-bbox="142 1533 763 1732"> Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A. </td> <td data-bbox="763 1533 1469 1732"> Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): <u>[Signature]</u> Date: <u>10-24-00</u> </td> </tr> </table>		Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): <u>[Signature]</u> Date: <u>10-24-00</u>
Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): <u>[Signature]</u> Date: <u>10-24-00</u>		

¹ Indicate the date of the original deposit or when a new deposit has been made.

² Mark with a cross the applicable box.

³ In the cases referred to in Rule 10.2(a)(iii) and (iii), refer to the most recent viability test.

⁴ Fill in if the information has been requested.

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT
OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

TO

USDA, ARS
Lab 36 Johnson Hall
Washington State University
Pullman, WA 99164-6430

VIABILITY STATEMENT

issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

NAME AND ADDRESS OF THE PARTY TO WHOM
THE VIABILITY STATEMENT IS ISSUED

I. DEPOSITOR		II. IDENTIFICATION OF THE MICROORGANISM	
Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 99164-6430		Depositor's taxonomic designation and accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: <i>Pseudomonas fluorescens</i> NRRL B-30344 Date of: October 6, 2000 <input checked="" type="checkbox"/> Original Deposit <input type="checkbox"/> New Deposit <input type="checkbox"/> Repropagation of Original Deposit	
III. (a) VIABILITY STATEMENT			
Deposit was found: <input checked="" type="checkbox"/> Viable <input type="checkbox"/> Nonviable on October 7, 2000 (Date) International Depositary Authority's preparation was found viable on October 23, 2000 (Date) ¹			
III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION			
Depositor determined the International Depositary Authority's preparation was <input checked="" type="checkbox"/> Equivalent <input type="checkbox"/> Not equivalent to deposit on <u>November 14, 2000</u> (Date) Signature of Depositor <u>Kenneth Thomason</u>			
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST WAS PERFORMED (Depositor/Depository)²			
V. INTERNATIONAL DEPOSITARY AUTHORITY			
Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.		Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): <u>[Signature]</u> Date: <u>10-24-00</u>	

¹ Indicate the date of the original deposit or when a new deposit has been made.

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Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 99164-6430		Depositor's taxonomic designation and accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: <i>Escherichia coli</i> NRRL B-30345 Date of: October 11, 2000 <input checked="" type="checkbox"/> ¹ Original Deposit <input type="checkbox"/> ² New Deposit <input type="checkbox"/> ³ Repropagation of Original Deposit	
III. (a) VIABILITY STATEMENT			
Deposit was found: <input checked="" type="checkbox"/> Viable <input type="checkbox"/> Nonviable on October 12, 2000 (Date) International Depositary Authority's preparation was found viable on October 23, 2000 (Date) ³			
III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION			
Depositor determined the International Depositary Authority's preparation was <input checked="" type="checkbox"/> ² Equivalent <input type="checkbox"/> ² Not equivalent to deposit on <u>November 16, 2000</u> (Date) Signature of Depositor <u><i>David S. Johnson</i></u>			
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST WAS PERFORMED (Depositor/Depository)			
V. INTERNATIONAL DEPOSITARY AUTHORITY			
Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.		Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): <i>[Signature]</i> Date: <u>10-24-00</u>	

¹ Indicate the date of the original deposit or when a new deposit has been made.² Mark with a cross the applicable box.³ In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.⁴ Fill in if the information has been requested.

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Name: USDA, ARS Lab 36 Johnson Hall Address: Washington State University Pullman, WA 99164-6430		Depositor's taxonomic designation and accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: <i>Escherichia coli</i> NRRL B-30346 Date of: October 12, 2000 <input checked="" type="checkbox"/> ¹ Original Deposit <input type="checkbox"/> ² New Deposit <input type="checkbox"/> ² Repropagation of Original Deposit	
III. (a) VIABILITY STATEMENT			
Deposit was found: <input checked="" type="checkbox"/> Viable <input type="checkbox"/> Nonviable on October 12, 2000 (Date) International Depositary Authority's preparation was found viable on October 23, 2000 (Date) ³			
III. (b) DEPOSITOR'S EQUIVALENCY DECLARATION			
Depositor determined the International Depositary Authority's preparation was <input checked="" type="checkbox"/> ¹ Equivalent <input type="checkbox"/> ² Not equivalent to deposit on <u>November 16, 2000</u> (Date) Signature of Depositor <u>Gynda S. Thomashow</u>			
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST WAS PERFORMED (Depositor/Depository) ⁴			
V. INTERNATIONAL DEPOSITARY AUTHORITY			
Name: Agricultural Research Culture Collection (NRRL) International Depositary Authority Address: 1815 N. University Street Peoria, Illinois 61604 U.S.A.		Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): <u>[Signature]</u> Date: <u>10-24-00</u>	

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